

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
CITY OF LONG BEACH, CALIFORNIA)	File No. 0007811683
)	
Licensee of Trunked 700 MHz Public Safety)	
Station WQNH254)	

ORDER ON RECONSIDERATION

Adopted: December 6, 2017**Released: December 7, 2017**

By the Chief, Policy and Licensing Division, Public Safety and Homeland Security Bureau:

I. INTRODUCTION.

1. On June 13, 2017, the City of Long Beach, California (Long Beach or the City) filed a request to extend the construction deadline for 700 MHz trunked public safety station, call sign WQNH254.¹ Specifically, Long Beach requests an extension until June 2020 to construct the station.² While the City's extension request was being reviewed by Public Safety and Homeland Security Bureau (Bureau or PSHSB) staff, call sign WQNH254 entered into Termination Pending Status for failure to meet a build-out requirement. For the reasons stated below, we grant the extension request until June 17, 2018, and return call sign WQNH254 to active status.

II. BACKGROUND.

2. On February 4, 2011, the Bureau granted the City's application³ to license several 700 MHz frequencies at four locations under call sign WQNH254. On January 6, 2012, the City certified that it constructed call sign WQNH254, on October 19, 2011.⁴

3. On June 17, 2013, the Bureau granted the City's application⁵ to add several more 700 MHz frequencies to call sign WQNH254. In its application, the City requested a slow growth period,⁶ through 2016 to add the additional 700 MHz frequencies.⁷ In support of the City's request, it noted that the Port

¹ FCC File No. 0007811683 (filed June 13, 2017).

² *Id.* at Letter from Robert Uribe, City of Long Beach, Technology and Information Department, to FCC (dated June 13, 2017) *re* WQNH254 (Extension Letter).

³ FCC File No. 0004519294 (filed Dec. 2, 2010).

⁴ FCC File No. 0005019881 (filed Jan. 6, 2012).

⁵ FCC File No. 0005762992 (filed May 2, 2013).

⁶ Pursuant to 47 CFR § 90.629, applicants meeting certain criteria may be authorized up to 5 years to construct a system.

⁷ *Id.* at Letter from Robert Uribe, City of Long Beach, Technology and Information Department, to FCC (dated Mar. 11, 2013) *re* WQNH254.

of Long Beach represents a key strategic and economic port in North America.⁸ The City noted that the Port of Long Beach completed construction of a Harbor-Joint Security Command and Control Center which will consolidate local, regional and federal communications as well as support Homeland Security initiatives.⁹ To coordinate communications between federal entities, local first responders, and port security, the City stated that it constructed a new 700 MHz P25 digital voice communications system ahead of schedule.¹⁰ The Commission approved the City's extended implementation plan (Phase 2 slow growth period) to construct the additional frequencies until June 2016.

4. On June 6, 2014, the City requested a further extension of its Phase 2 slow growth period. It noted the need to procure additional infrastructure equipment to augment local and regional interoperability communications, and stated that it had placed 10% of end user equipment in service.¹¹ The Commission granted the City's request to further extend its slow growth plan until June 17, 2017.

5. On March 20, 2017, the Universal Licensing System (ULS) generated a reminder notice advising the City of the approaching construction deadline.¹² The notice instructed the City to complete the construction of the remaining repeaters by the deadline or file an extension request using FCC Form 601.¹³

6. On June 13, 2017, the City filed the above-captioned application proposing to extend the radio infrastructure upgrade schedule from June 2017 to June 2020.¹⁴ The City explained that it purchased four repeaters in 2017 and intended to activate those four repeaters by December 15, 2017.¹⁵ The City seeks additional time to secure funding to purchase and construct four additional repeaters.¹⁶ In support of its proposal, the City included its (1) extended implementation schedule; (2) purchase order; and (3) migration plan to upgrade its radio infrastructure.¹⁷

7. On July 26, 2017, the Universal Licensing System generated a Notice of License Termination Pending Status informing Long Beach that it failed to meet the construction deadline for call sign WQNH254.¹⁸ Specifically, the Notice indicated that the Commission did not receive the required notification of construction, due within 15 days after the construction deadline, or a request an extension

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ FCC File No. 0006317295 (filed June 6, 2014) and Letter from Robert Uribe, City of Long Beach, Technology and Information Department, to FCC (dated June 5, 2014) *re* WQNH254.

¹² Construction/Coverage Deadline Reminder Notice. Reference No. 6241629 (dated Mar. 20, 2017).

¹³ *Id.*

¹⁴ *See* Extension Letter at 1.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *See* FCC File No. 0007811683 "Extended Slow Growth Timeline;" "City of Long Beach Purchase Order DPDC170000550;" and "City of Long Beach Astro 25 Master Site & MCC 7500 Migration."

¹⁸ *See* Notice of License Termination Pending Status, Reference Number: 6279554 (dated Jul. 26, 2017) (Notice). *See also* *Public Safety and Homeland Security Bureau Site Based Licenses Termination Pending*, Public Notice, Report Number: 12458 (Jul. 26, 2017).

of time, due before the expiration of the construction or coverage requirement deadline for WQNH254.¹⁹ The Notice advised that “[i]f a licensee does not file the Required Notification or Extension of Time request, we presume that the license or license component has not been constructed, or the coverage requirement has not been met.”²⁰ If the licensee met its construction or coverage requirement, it has 30 days from the date of the Public Notice to file a petition for reconsideration, as described more fully below, showing that it timely met the construction or coverage deadline. Grant of a timely petition will result in removal of the Termination Pending status and the license or license component will be returned to Active status.²¹

III. DISCUSSION.

8. Sections 1.946(e) and 90.155(g) of the rules provide that licensees may request to extend a construction period by filing FCC Form 601.²² The extension request must be filed before the expiration of the relevant construction period. Additionally, Section 90.629(c) of the rules provides that slow growth licensees must notify the Commission annually on FCC Form 601 that they are in compliance with their yearly station construction commitments, “but may request amendment to these commitments at the time they file their annual certification.”²³ Here, the City filed its extension request before the expiration of its Phase 2 slow growth period.

9. Section 90.629 of the Rules also provides that a license applicant may be authorized a period of up to five years to construct and place a system in operation if it meets the established criteria.²⁴ The applicant must demonstrate that the extended implementation period is warranted under the circumstances by, among other things, describing the proposed system and stating the amount of time necessary to construct and place the system in operation.²⁵ The applicant must also show that the proposed system will require longer than twelve months to construct and place in operation because of its purpose, size or complexity;²⁶ or that the proposed system is to be part of a coordinated or integrated wide-area system which will require more than twelve months to, among other things, plan and place in operation;²⁷ or the applicant is required by law to follow a multi-year cycle for planning.²⁸

10. Regarding extending the City’s Phase 2 slow growth period, we observe that the City twice met the criteria warranting a five-year period to construct. In total, however, the City requested only a four-year slow growth period, instead of five years. Thus, the import of the construction period rule is not diluted by granting a further extension in this instance. We find that granting the City a one year extension through June 17, 2018, will serve the underlying purpose of the rule which is to provide an

¹⁹ Notice at 1 *citing* 47 CFR § 1.946(d), (e).

²⁰ Notice at 1.

²¹ *Id.*

²² 47 CFR §§ 1.946(e); 90.155(g).

²³ 47 CFR § 90.629(c).

²⁴ 47 CFR § 90.629. 47 CFR § 90.551 (“licensees may request a longer construction period, up to but not exceeding 5 years”).

²⁵ 47 CFR § 90.629(a).

²⁶ 47 CFR § 90.629(a)(1).

²⁷ 47 CFR § 90.629(a)(2).

²⁸ 47 CFR § 90.629(a)(3).

adequate amount of time (up to five years) within which to construct a large, complex communications system. A one year extension through June 17, 2018 should provide ample time for the City to activate the four repeaters it purchased. Indeed, the City states that it will activate four repeaters by mid-December 2017. Should the City experience unforeseen delays in meeting its commitment, the City would have an additional six months to activate the four repeaters. Granting the City a further extension is in the public interest considering the complexity of the integrated interoperability system Long Beach implemented. The system, which integrates multiple public safety entities, would provide support to emergency services and Homeland Security initiatives. In addition, the City has invested substantial funds and resources to the initial stages of construction and, therefore, denying the extension request would be contrary to the public interest. Because we grant the City a further extension of its Phase 2 slow growth period, we return the City's license for call sign WQNH254 to active status.²⁹

IV. ORDERING CLAUSES.

11. Accordingly, IT IS ORDERED that pursuant to Sections 4(i) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 405, and Sections 1.946; 90.155; 90.555 and 90.629 of the Commission's Rules, 47 CFR §§1.946; 90.155, 90.551 and 90.629, the request for extended implementation filed by the City of Long Beach, California on June 13, 2017 IS GRANTED IN PART.

12. IT IS FURTHER ORDERED that the license for 700 MHz trunked public safety call sign WQNH254 shall be returned to active status.

13. This action is taken under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's Rules, 47 CFR §§ 0.191, 0.392.

FEDERAL COMMUNICATIONS COMMISSION

Michael J. Wilhelm
Chief, Policy and Licensing Division
Public Safety and Homeland Security Bureau

²⁹ Should the City require a further extension of time to complete construction of WQNH254, the City must file, before June 17, 2018, a Form 601, an extension request and a request for waiver of 47 CFR § 90.629.